IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

OP.No. 25034 of 2002(E)

PETITIONER:

L. PREETHILAL, S/O. LAWRANCE,
LAL SADANAM, KOTTAPURAM, P.O. MULAVANA,
KOLLAM - 691 503.

BY ADV. SRI.MATHEW SKARIA,
SRI.JOSE THOMAS (PEEDIKAYIL),
SMT.REKHA LAURIAN.

RESPONDENTS:
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1. THE KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY,
THIRUVANANTHAPURAM.

*** 2. THE DISTRICT OFFICER, KERALA PUBLIC**
SERVICE COMMISSION, DISTRICT OFFICE,
PALAKKAD. *(CORRECTED)

***THE WORD DISTRICT OFFICE PALAKKAD**
IS CORRECTED AS DISTRICT OFFICE, KOLLAM
AS PER ORDER DATED 13/09/2002 IN C.M.P. 43451/2002.

3. THE TAHSILDAR, TALUK OFFICE,
KOLLAM.

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC,
GOVERNMENT PLEADER SMT. SMITHA SUKUMARAN.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 06/08/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 42434/2002 IN O.P. NO. 25034/2002

DISMISSED

06/08/2007. **SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE RELEVANT PAGE OF THE S.S.L.C. BOOK OF THE PETITIONER SHOWING HIS CASTE, DATE OF BIRTH ETC.

EXT.P.2: COPY OF THE APPLICATION DTD. 24/05/2001 SUBMITTED BY THE PETITIONER BEFORE R.3.

EXT.P.3: COPY OF THE JUDGMENT DTD. 29/05/2001 OF THIS HONOURABLE COURT IN O.P. NO. 16235/2001-G.

EXT.P.4: COPY OF THE CERTIFICATE NO. B7-11225/2001 DTD. 08/06/01 BY THE R.3.

EXT.P.5: COPY OF THE COMMUNICATION NO. Q.S.S. I (3) 4043/01 DTD. 16/08/2002 ISSUED BY THE R.2.

RESPONDENT'S EXHIBITS: NIL

//TRUE COPY//

prv.

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.25034 OF 2002

Dated this the 6th day of August, 2007

JUDGMENT

By the impugned Ext.P5, the petitioner was informed by the Kerala Public Service Commission that his claim for reservation is not admissible. Ext.P5 is challenged on the basis of Ext.P4 certificate issued by the Tahsildar, acting on Ext.P3 judgment of this Court, a reading of which will show that the issuance of the certificate was only a stopgap arrangement pending further enquiries. This has been done and through the counter affidavit, it is stated that there is no community as Christian Parava as per the relevant notification and that the petitioner, following his parents, is a Latin Catholic. If that were so, as of now, the PSC cannot be found fault with having issued Ext.P5. Hence, leaving open the question of correctness of the decision of the Government to be agitated by the petitioner before the appropriate court, this writ petition is dismissed, however, directing that the competent among the respondents in the

Government will communicate its decision referred to in the counter affidavit to the petitioner within a period of three weeks from now.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.25034 OF 2002

JUDGMENT

6th AUGUST, 2007.

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